

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS - EASTERN DIVISION
IN BANKRUPTCY COURT**

CHI4005, LLC, an Illinois limited liability company,)

Plaintiff)

v.)

Wellington & Pulaski Condominium Association, Inc., an Illinois not for profit corporation, Wellington Pulaski Irrevocable Trust, The Board of Managers of the Wellington & Pulaski Condominium, 7942 Country Club, Inc., an Illinois not for profit corporation, 7942 Country Club Irrevocable Trust, James Reed, and George Somer,)

Defendants, et. al.)

U.S. Bankruptcy Case No.: 15-35476

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS

OCT 23 2015

JEFFREY P. ALLSTEADT, CLERK
PS REP. - CM

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1452 and Fed. R. Bankr. P. 9027, Defendant, James Reed, hereby gives Notice of Removal of this civil action from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois. In support of this Notice of Removal, Defendant states as follows:

JURISDICTION AND VENUE

Jurisdiction for removal is found at 28 U.S.C. §1452 and Fed. R. Bankr. P. 9027.

Venue is proper in this court because Defendant, Wellington & Pulaski Condominium Association's bankruptcy case is pending in this District and because the acts complained of in the State Court Proceedings occurred within this District and are core proceedings pursuant to 28 U.S.C. §157.

STATEMENT OF FACTS

- 1) A complaint was initiated in case 15-CH-14052 in the Circuit Court of Cook

County - Chancery Division, State of Illinois on or after September 24, 2015

(the "State Court Proceeding") alleging acts that, if true, may dissipate the estate of the Debtor.

- 2) A **Petition pursuant to Title 11 U.S.C. §303(b) was filed** in the United States Court for the Northern District of Illinois on **October 19, 2015** and docketed by the Clerk of the U.S. District Court as **Bankruptcy case number 15-35476**. (see Exhibit A - Notice of Involuntary Petition).
- 3) The Debtor in Bankruptcy case 15-35476, Wellington & Pulaski Condominium Association, Inc., is the primary named defendant in the State Court Proceeding and all assets at issue in the State Court Proceeding are assets belonging to the Debtor or to its secured creditors.
- 4) A Notice of Stay in 15-35476 was filed with the Clerk of Court for the Circuit Court of Cook County on October 19, 2015.
- 5) The acts complained of by Plaintiff in the State Court Proceeding allege, essentially, A) Breach of Fiduciary Duty by the Board of the Debtor (Defendant) and individual members of the Board of the Debtor; B) Misrepresentation; C) Concealment; D) Conversion; E) Unjust Enrichment and F) Breach of Contract. As such, all claims of Plaintiff are clearly within the scope of the statutory definition of a **core proceeding pursuant to 28 U.S.C. §157** and directly affect the Estate of the Debtor.
- 6) 100% of the membership interest in Plaintiff, an Illinois limited liability company, was, upon information and belief, sold to a single member, Leeron Travish, a resident of California, on or about September 21, 2015.
- 7) All claims alleged by Plaintiff occurred on or before the acquisition of 100% of

the membership interest in Plaintiff by Leeron Travish.

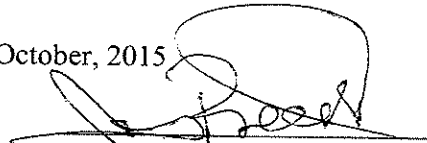
- 8) Upon information and belief, Leeron Travish and his Illinois attorney, Howard Kilberg, were both fully aware of the claims made by CHI4005 LLC on or prior to September 21, 2015 and, as a result, negotiated the sale, transfer, and conveyance of membership in Plaintiff LLC with full knowledge of all facts alleged in the State Court Proceeding.
- 9) Upon information and belief, Leeron Travish, as the sole member of CHI4005 LLC has no good faith basis for the assertion of any loss whatsoever because he negotiated his acquisition of 100% of the membership of Plaintiff in full knowledge of the facts Plaintiff's complaint now asserts and because, since the date of acquisition of Plaintiff CHI4005 LLC by Leeron Travish on or about September 21, 2015, no payment of funds have been made by either Plaintiff CHI4005 LLC or by its sole member, Leeron Travish, to Debtor Wellington & Pulaski Condominium Association, or to any other entity or person whatsoever.
- 10) Upon information and belief, Plaintiff, CHI4005 LLC, its sole member, Leeron Travish, and Plaintiff's Illinois attorney, Howard Kilberg, conspired, one with the other, to file the complaint in 15-CH-14052 against Defendants for the purpose of harrassing Debtor and evading the payment of assessments owed to the Debtor and its creditors, to breach the covenants and agreements negotiated with the prior member of the LLC requiring that all assets of the LLC be sold to the Debtor in exchange for Debtors agreement to reduce the interest, late fees and fines associated with the non-payment to the Debtor of the LLC's debts, and did, thereby diminish the value of the estate of the Debtor, and has further engaged in a campaign to take majority control over the Debtor by promising that assessments

owed by other members of the Debtor organization would be reduced or eliminated entirely thereby substantially diminishing the value of Debtors estate.

- 11) The State Court Proceeding was initiated prior to the filing of the Petition in Bankruptcy and less than 30 days prior to the date of this Notice of Removal.
- 12) Defendant, James Reed, has not filed a responsive pleading in the State Court Proceeding as of this date.
- 13) No other named defendants in the State Court Proceeding have filed a responsive pleading or appearance as of this date.
- 14) This Petition is signed pursuant to **Fed. R. Civ. P. 11 and Fed. R. Bankr. P. 9027.**

WHEREFORE, Petitioner respectfully requests this honorable court grant Petitioner's request of statutory privilege and remove the State Court Proceeding to the Bankruptcy Court for the Northern District of Illinois.


Respectfully submitted, this 22nd day of October, 2015


James Reed, Petitioner Pro Se

James Reed
c/o Chatt & Prince, P.C.
Robert Prince, Attorney at Law
16W347 83rd Street, Suite C
Burr Ridge, Illinois 60527

VERIFICATION

I, James Reed, pursuant to 28 U.S.C. 1746, verify under penalty of perjury that the foregoing is true and correct to the best of my belief and knowledge. Executed this 23 day of Oct, 2015.


James Reed, Petitioner Pro Se